

**ASSEMBLY BILL**

**No. 42**

**Introduced by Assembly Members Nunez and McCarthy and  
Senators Perata and Ackerman**

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Bermudez, Bogh, Calderon, Canciamilla, Cohn, Coto, Daucher,  
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(Coauthors: Senators Escutia, Figueroa, Kehoe, Kuehl, Maldonado,  
Ortiz, George Runner, Speier, and Vincent)**

December 6, 2004

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An act to repeal Section 12174 of the Government Code, relating to the California History Center, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 42, as introduced, Nunez. California History Center.

Existing law requires the Secretary of State to administer, protect, and develop the Secretary of State and State Archives Building Complex and authorizes the Secretary of State to provide by agreement for the operation of the Golden State Museum within the complex.

This bill would repeal that provision and would state the intent of the Legislature to extend knowledge of the state's history through the California History Center, including a Women's History Museum, and to authorize the Secretary of State to enter into an agreement with a private nonprofit organization for the operation of the center in a portion of the complex.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12174 of the Government Code is  
2 repealed.

3 ~~12174. (a) The Secretary of State shall administer, protect,~~  
4 ~~develop, and interpret the Secretary of State and State Archives~~  
5 ~~Building Complex located in Sacramento in the area bounded by~~  
6 ~~10th, 11th, O, and P Streets as authorized by Section 12235 for~~  
7 ~~the use, education, and enjoyment of the public.~~

8 ~~(b) The Secretary of State may enter into an operating~~  
9 ~~agreement with the Golden State Museum Public Benefit~~  
10 ~~Corporation (GSMPBC), formerly known as the California~~  
11 ~~Archives Foundation, an existing California nonprofit public~~  
12 ~~benefit corporation, tax exempt under Section 501(c)(3) of the~~  
13 ~~United States Internal Revenue Code. Under the operating~~  
14 ~~agreement with the Secretary of State (including the State~~  
15 ~~Archives), the GSMPBC shall operate the Golden State Museum~~  
16 ~~(the museum), including development, administration,~~  
17 ~~interpretation, and management of the museum and related public~~  
18 ~~services, and acquiring and managing funding for the museum's~~  
19 ~~programs and services. Secondly, the GSMPBC may support~~  
20 ~~the programs and operations of the State Archives.~~

21 ~~(c) Employees, volunteers, docents, members, or others~~  
22 ~~working with or for the nonprofit tax-exempt organization~~  
23 ~~described in subdivision (b) for purposes consistent with the~~  
24 ~~mission of the organization shall be considered volunteers under~~  
25 ~~Sections 3118 and 3119 of this code and Section 3363.5 of the~~  
26 ~~Labor Code.~~

27 ~~(d) The Board of Trustees of the GSMPBC shall include the~~  
28 ~~Secretary of State or any Assistant Secretary of State designated~~  
29 ~~by the Secretary of State and the Chairperson of the California~~  
30 ~~Heritage Preservation Commission as ex officio voting members~~  
31 ~~of the board. The Board of Trustees of the GSMPBC shall be the~~  
32 ~~governing authority for operations funded through moneys~~  
33 ~~received by the GSMPBC. The Board of Trustees of the~~

~~GSMPBC shall submit an audit report annually to the Secretary of State. The board shall submit copies of annual audit reports to the Director of Finance, the Chair of the Joint Legislative Audit Committee, and the Chair of the Joint Legislative Budget Committee. No funds raised or assets acquired by the GSMPBC shall be used for purposes inconsistent with support of the Golden State Museum and the State Archives.~~

~~(e) No later than January 10 of each year, the GSMPBC shall submit the GSMPBC business plan for the following fiscal year to the Director of Finance and the Chair of the Joint Legislative Budget Committee for review and comment. The Executive Director of the GSMPBC shall also submit, not less than 30 days prior to adoption by the GSMPBC's Board of Trustees, any proposed formal amendments to the GSMPBC business plan to the Director of Finance and the Chair of the Joint Legislative Budget Committee for review and comment.~~

~~(f) Fees charged to members of the public for copying, reproduction, and other services provided by the State Archives shall be at a level consistent with the costs of providing these services. The Secretary of State may establish an agreement with the GSMPBC to provide these services and collect moneys for providing these services.~~

SEC. 2. (a) It is the intent of the Legislature to extend knowledge of California's rich history, cultural diversity, and government to the people of the state through the new California History Center. The California History Center will display records and artifacts from the collection of the California State Archives to better enable members of the public to learn about California history. The California History Center will also house a first-ever Women's History Museum.

(b) In recognition of the need to extend the fiscal resources of the state, it is the intent of the Legislature to authorize the Secretary of State to enter into an agreement with a private nonprofit organization for the operation of the California History Center and to permit the California History Center to occupy a portion of the Secretary of State and State Archives Building Complex.

(c) The benefit of this arrangement to the state will be that the private nonprofit organization shall develop and administer the

1 California History Center and solicit private donations to assist in  
2 providing funding for the California History Center.

3 SEC. 3. This act is an urgency statute necessary for the  
4 immediate preservation of the public peace, health, or safety  
5 within the meaning of Article IV of the Constitution and shall go  
6 into immediate effect. The facts constituting the necessity are:

7 In order to enhance and improve the California History Center  
8 expeditiously it is necessary that this act take effect immediately.